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9
10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13 PAUL M. GONZALES,

14 Plaintiff,
15 v.
16

17 BANK OF AMERICA, N.A., GREEN TREE
18 SERVICING, LLC; DOE DEFENDANTS I
through V; ROE DEFENDANTS VI through X,
inclusive,

19 Defendants.
20

21 Case No. 2:14-cv-00088 -GMN-VCF

22
23 **STIPULATION AND ORDER TO
CONTINUE DISCOVERY DEADLINES**

24 (Third Request)

25 Pursuant to Local Rules 6-1, 6-2 and 7-1, all parties, through their respective counsel of record,
26 enter this stipulation to extend the current scheduling order deadlines for discovery by sixty (60) days.
27 This is the third request for an extension. In support of this request, the parties represent the following
28 to the Court:

29 The Court granted the parties' first request for an extension of discovery deadlines and
30 scheduled the last day for discovery to be June 5, 2015. [ECF No. 13.] The Court granted a second
31 request for an extension of discovery deadlines on May 18, 2015, and scheduled the last day for
32

1 discovery to be July 6, 2015. [ECF No. 21.] On May 27, 2015, the Court granted the petitions of
2 Robert Humphreys and Lucius Wallace to appear pro hac vice as counsel for Plaintiff. [ECF Nos. 26-
3 27.] In light of the appearance of new counsel for Plaintiffs and the extent of the discovery requests
4 that have been propounded, the parties respectfully request an additional sixty (60) days to complete
5 discovery in this matter. An additional extension will aid in judicial economy by giving the parties
6 additional time to work out discovery disputes that have arisen without court involvement.
7

8 The parties ask for the Court's forgiveness for not having this request filed on June 15, 2015,
9 the required three (3) weeks, under LR 26-4, before the discovery deadline, to request this sixty (60)
10 day extension. The parties were not aware until more recently of the extent of the discovery disputes
11 that remain to be resolved.

12 **A. Statement Specifying the Discovery Completed.**

13 All initial disclosures and early production of documents have been exchanged. Plaintiff has
14 responded to Bank of America, N.A.'s (**BANA**) first set of interrogatories and first set of request for
15 production of documents. Plaintiff has also responded to Green Tree Servicing, LLC's (**Green Tree**)
16 first set of production of documents.

17 BANA has responded to Plaintiff's first and second requests for production of documents,
18 Plaintiff's first set of interrogatories, and Plaintiff's first set of requests for admission. Green Tree has
19 also responded to Plaintiff's first and second requests for production of documents and Plaintiff's first
20 set of interrogatories.

21 **B. A Specific Description of the Discovery that Remains to be Completed.**

22 Plaintiff has scheduled the 30(b)(6) deposition of BANA for June 30, 2015 and Green Tree on
23 July 2, 2015. BANA also intends to take the deposition of the plaintiff. Plaintiff has requested that
24 BANA and Green Tree supplement their discovery responses and document production, and the
25 defendants are evaluating the supplementation requests. Plaintiff also circulated a proposed protective
26 order on June 11, 2015 and is awaiting responses from BANA and Green Tree.
27

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1 **C. The Reasons Why the Deadline Was Not Satisfied or the Remaining Discovery Was**
2 **Not Completed Within the Time Limits Set by the Discovery Plan.**

3
4 The parties are unable to satisfy the deadlines as originally scheduled because there are ongoing
5 disputes regarding the discovery that has been completed to date, and the parties are still working to
6 resolve these disputes. Specifically, Plaintiff has asked Green Tree and BANA to supplement their
7 discovery production. In light of the large number of document requests served on the parties (105
8 requests on Green Tree and 103 requests on BANA), it is taking the parties longer than anticipated to
9 review the discovery completed to date and determine whether it is appropriate to produce additional
10 documents and/or privilege logs. Further, both Green Tree and BANA have served objections to the
11 scope of the topics contained in Plaintiff's deposition notices, and in response to these objections,
12 Plaintiff has drafted a proposed protective order, which terms are still being evaluated. The parties
13 require additional time to reach an agreement as to the topics that are appropriate and the terms of a
14 protective order, which the parties hope will obviate the need for motions for protective orders or court
15 intervention.

16 Additionally, Plaintiff served deposition subpoenas duces tecum on Experian, Trans Union and
17 Equifax (scheduled for May 29, 2015), on a lender who denied Plaintiff a loan (scheduled for June 4,
18 2015) and on Plaintiff's banking institution (set for June 5, 2015), all of which needed to be continued
19 to allow the deponents additional time to comply with the subpoenas. At present, most of the deponents
20 have either not produced documents or have not fully complied with the subpoenas so as to allow the
21 depositions to move forward. The additional time requested will allow Plaintiff more time to work to
22 resolve these issues without court intervention.

23 **D. A Proposed Schedule for Completing All Remaining Discovery**

24 Accordingly, the parties agree to extend the following discovery deadlines about sixty days:

- 25 1. Discovery Cutoff Date: **September 4, 2015**
- 26 2. Dispositive Motions: **October 5, 2015**
- 27 3. Joint Pretrial Order: **November 4, 2015**, or in the event Dispositive Motions are filed, the

1 date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision of the
2 Dispositive Motions or further order of the Court.
3

4 In accordance with LR 26-4, any stipulations or motion for modification or extension of this
5 discovery plan and scheduling order must be made no later than twenty-one (21) days before expiration
6 of the subject deadlines.

7 DATED this 19th day of June 2015.
8

9 /s/ Craig Friedberg

10 Craig B. Friedberg
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12 and

13 Lucius J. Wallace
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22 IT IS SO ORDERED.
23



25 UNITED STATES MAGISTRATE JUDGE

26 DATED: 6-26-2015